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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

HARMEET K. DHILLON,

Plaintiff,

v.

DOE 1, an unknown individual, et al.,

Defendants.

Case No. 13-01465-JCS

AMENDED¹ ~~[PROPOSED]~~ ORDER
GRANTING PLAINTIFF'S *EX*
PARTE APPLICATION FOR LEAVE
TO TAKE LIMITED DISCOVERY
PRIOR TO A RULE 26(f)
CONFERENCE

¹ Plaintiff's *Ex Parte* Application For Leave to Take Limited Discovery Prior to a Rule 26(f) Conference, filed April 2, 2013 (Doc. 2), sought leave to serve a subpoena on "New Dream Network, LLC, on behalf of DreamHost." However, the original [Proposed] Order submitted with that *ex parte* application (Doc. 2-1), and the subsequent Order filed on April 3, 2013 (Doc. 6), contained a typographical error with respect to the name of the subpoenaed entity, listing it as "DreamHost Network, LLC, on behalf of DreamHost." Plaintiff thus respectfully requests that the Court remedy this error by granting this Amended [Proposed] Order, which is identical in substance to the Court's Order of April 3rd, other than with respect to the name of the entity to be subpoenaed.

1 The Court, having reviewed Plaintiff's *Ex Parte* Application for Leave to Take
2 Limited Discovery Prior to a Rule 26 Conference and the supporting documents
3 submitted therewith, and good cause appearing therefore, hereby grants Plaintiff's *Ex*
4 *Parte* Application and orders as follows:

5 1. **IT IS HEREBY ORDERED** that Plaintiff is allowed to serve immediate
6 discovery on New Dream Network, LLC, on behalf of DreamHost, in order to obtain
7 the identity of the Doe Defendants listed in Plaintiff's Complaint by serving a Rule 45
8 subpoena that seeks information sufficient to identify each such Defendant, including
9 the account information for the domain name "Mungergames.net," hosted by
10 DreamHost, and the name, addresses, telephone numbers, and email addresses of each
11 such Defendant.
12

13 2. **IT IS FUTHER ORDERED** that Plaintiff's counsel shall issue subpoena(s)
14 in substantially the same form as the example attached as Exhibit 1 to Plaintiff's *Ex Parte*
15 Application for Leave to Take Limited Discovery Prior to a Rule 26 Conference, with
16 each subpoena including a copy of this Order.

17 3. **IT IS FURTHER ORDERED** that New Dream Network, LLC, will have 30
18 days from the date of service upon it to serve each entity or person whose information
19 is sought with a copy of the subpoena and a copy of this Order. New Dream Network,
20 LLC may serve the entities and persons using any reasonable means, including written
21 notice sent to the entity's or person's last known address, transmitted either by first-
22 class mail or overnight service.
23

24 4. **IT IS FURTHER ORDERED** that each entity and person and New Dream
25 Network, LLC, will have 30 days from the date of service upon him, her, or it to file any
26 motions in this court contesting the subpoena (including a motion to quash or modify
27 the subpoena). If that 30-day period lapses without the entity contesting the subpoena,
28

1 New Dream Network, LLC, shall have 10 days to produce to Plaintiff the information
2 responsive to the subpoena with respect to that entity.

3 5. **IT IS FURTHER ORDERED** that, because no appearance by a person at a
4 deposition is required by the subpoena, instead only production of documents, records
5 and the like is required, the witness and mileage fees required by Rule 45(b)(1) of the
6 Federal Rules of Civil Procedure do not apply and no such fees need be tendered.

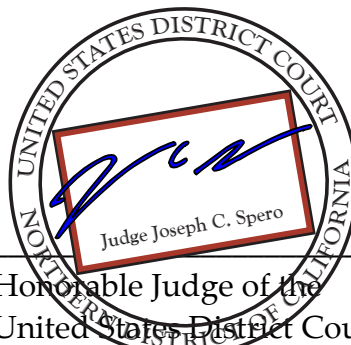
7 6. **IT IS FURTHER ORDERED** that New Dream Network, LLC, shall not
8 assess any charge to the Plaintiff in advance of providing the information requested in
9 the subpoena, and that if New Dream Network, LLC, elects to charge for the costs of
10 production, it shall provide a billing summary and cost reports that serve as a basis for
11 such billing summary and any costs claimed by such recipient.

12 7. **IT IS FURTHER ORDERED** that New Dream Network, LLC, shall
13 preserve all subpoenaed information pending its delivering such information to
14 Plaintiff or the final resolution of a timely filed and granted motion to quash the
15 subpoena with respect to such information.

16 8. **IT IS FURTHER ORDERED** that any information disclosed to Plaintiff in
17 response to a subpoena may be used by Plaintiff solely for the purpose of protecting its
18 rights under the Copyright Act, 17 U.S.C. § 101 et seq, and may not be disclosed to
19 anyone other than the parties in this action and their counsel of record pending further
20 order of this Court.

21 **IT IS SO ORDERED.**

22 Date: 4/9, 2013



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26 Honorable Judge of the
27 United States District Court,
28 Northern District of California